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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,310	08/20/2003	Lance R. Peterson	0112300-1048	6023

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BELL, BOYD & LLOYD LLP  
P.O. Box 1135  
CHICAGO, IL 60690

EXAMINER
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MCCULLOCH JR, WILLIAM H

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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08/03/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/644,310	<b>Applicant(s)</b> PETERSON ET AL.	
	<b>Examiner</b> William H. McCulloch Jr.	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____.  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date: 4/12/2004, 6/18/2004, 2/28/2005, ~~7~~6/2005, and 3/26/2007 .

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) with mailroom dates 4/12/2004, 6/18/2004, 2/28/2005, 6/6/2005, and 3/26/2007 were filed in compliance with the provisions of 37 CFR 1.97-1.98. Accordingly, the examiner has considered the information disclosure statements.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,203,430 to Walker et al. (hereinafter Walker) in view of U.S. 6,491,584 to Graham et al. (hereinafter Graham).

Regarding claims 1, 2, 28, 29, 41, 42, and 74, Walker teaches a gaming device and method comprising: a plurality of reels (see at least fig. 3B and description thereof); a plurality of symbols on the reels, said symbols including at least one first prize symbol and at least one second prize symbol (see at least figs. 3B, 4A, 8, and descriptions thereof, and 8:14-23); an initial designated number of spins of the reels, said designated number being greater than one (see at least 3:33-51); a designated number of the first prize symbols necessary to be accumulated to win a first physical prize, wherein the designated number of first prize symbols is greater than the number of first prize

symbols which can possibly be accumulated in the initial designated number of spins of the reels (symbol occurrences being limited e.g., by a number of plays; see at least 3:33-51); a designated number of the second prize symbols necessary to be accumulated to win a second different physical prize, wherein the designated number of second prize symbols is greater than the number of second prize symbols which can possibly be accumulated in the initial designated number of spins of the reels (symbol occurrences being limited e.g., by a number of plays; see at least 3:33-51); and a processor operable to control the reels, activate the reels for the initial designated number of spins, accumulate any first prize symbols which occur on the reels in each spin of the reels, accumulated any second prize symbols on which occur on the reels in each spin of the reels, award the first physical prize to the player if the accumulated number of first prize symbols reaches the designated number of first prize symbols, and award the second physically prize to the player if the accumulated number of second prize symbols reaches the designated number of second prize symbols (see at least 6:9-7:5 and 8:14-9:13).

Walker teaches the invention substantially as described above, but lacks in explicitly disclosing at least one re-trigger symbol. In a related disclosure, Graham teaches a gaming machine with a re-trigger bonus, in which predetermined events in the course of a game may initiate free or bonus games (see at least abstract, 1:29-2:26). It would have been obvious to modify the invention taught by Walker to include the re-trigger features of Graham in order to retain and attract potential gaming customers, as is favorably taught by Graham (see at least 1:12-26).

Claims 40, 56, 61 are directed toward similar subject matter to the above claims, and additionally include a primary and secondary game, wherein at least one triggering event associated with the primary game initiates the secondary game. Walker teaches such at least by an initial game(s) ending and additional games beginning. Additionally, Graham teaches initiation of a number of bonus games upon a triggering event (see at least 1:29-2:26), which also meets the above limitation of primary and secondary games.

Claims 22, 34, 43, 48, 49, 67, 77 and 85 are directed toward similar subject matter to the above claims, and additionally include an initial designated number of free spins of the reels. Graham teaches such feature in at least 1:29-45.

Regarding claims 3, 4, and 57 Walker teaches at least one pay line associated with reels and further teaches that the processor accumulates any prize symbols that occur on any of the paylines in each spin of the reels (see at least fig. 3B, 4:45-51, 6:21-33, and claim 17).

Regarding claims 5, 7, and 30, Walker teaches that the accumulated number of prize symbols is reset when no spins remain or after a plurality of primary games (see at least 3:21-51).

Regarding claims 6 and 31, Walker teaches that the initial designated number of spins is obtained in a primary game activated upon a wager by the player (see at least 6:9-15).

Regarding claim 8, Walker teaches a prize symbol that includes an image that represents the physical prize (see at least figs. 4A and 8, and descriptions thereof).

Regarding claims 9-10, Walker teaches that the initial designated number of spins is predetermined or random (see at least figs. 9A and 9B, and descriptions thereof).

Regarding claims 11-12, Walker teaches that the designated number of prize symbols is predetermined or random (see at least fig. 8 and descriptions thereof).

Regarding claims 13 and 14, Walker teaches a plurality of different physical prizes, wherein the processor is operable to provide one of said physical prizes to the player when the accumulated number of prize symbols reaches the designated number of prize symbols necessary to win the physical prize; and further teaches that at least two of the physical prizes have different values. (see at least fig. 8 and descriptions thereof).

Regarding claims 15 and 16, Walker teaches a probability of being selected by the processor associated with each of the physical prizes, wherein the processor is operable to select and provide one of the physical prizes to the player based on said probabilities (see at least 7:36-8:2).

Regarding claims 17-21 and 62, Walker teaches a prize symbol display operable to indicate the number of accumulated prize symbols (fig. 3b, element 360), further including a plurality of prize symbols indicators (fig. 3b, element 360), further including an illumination device associated with the prize symbols indicators (fig. 3A, video display 336), wherein the prize symbol display includes an integer which represents the accumulated number of prize symbols (fig. 3b, element 360), and wherein the integer

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increments by at least one for each prize symbol which occurs on the reels (see at least 3:21-51 and 5:43-51).

Claims 23-26, 35-39, 44-47, 51-55, 58-60, 68-71, 78-82, and 87-91 are directed toward determining that 1) the initial number of spins, 2) prize symbols necessary to win a prize, 3) number of prize symbols, and 4) odds of obtaining a re-trigger event, is based at least in part on a wager made by the player. Each of these determinations is described at least by the citations of Walker herein because each determination must be established when the player initiates a wagering session. Teachings of Walker further dictate that the initiation is a result of the player making a wager. Therefore, Walker anticipates each of the above claims.

Regarding claims 27, 63, and 64, Walker further teaches the processor is operable to enable the player to select the physical prize from a plurality of prizes (see at least 11:61-12:14).

Regarding claims 32, 33, 50, 75, 76, 86, Walker describes a first physical prize that is of a higher value than the second physical prize, and further describes a higher probability of obtaining the second physical prize than the first physical prize (see at least fig. 8).

Regarding claims 65-66, Walker teaches awarding the physical prize to the player includes generating a prize code and further includes placing the prize code on at least one of: a receipt, a ticket, a printing medium and a recording medium (see at least 9:6-13).



Regarding claims 72, 73, 83, 84, 92, and 93, Walker teaches that the above described system and method are controller through a data network (see at least 5:1-25 and 8:24-32). The Internet is merely a specific group of networks. Therefore, Walker inherently teaches controlling the method and system over the Internet.

***Citation of Pertinent Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is disclosed on the attached Notice of References Cited.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is 571-272-2818. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



**XUAN M. THAI**  
**SUPERVISORY PATENT EXAMINER**


TC3700

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William H. McCulloch Jr.  
Examiner  
Art Unit 3714  
7/25/2007

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